

SELECT BOARD MEETING

January 9, 2023

Chair Judith L. O'Connell called the meeting to order at 6:00 p.m. in Room 9 of the Town Hall. Present were Select Board members Gregory B. Bendel, Kevin A. Caira, Gary B. DePalma and Lilia Maselli.

A motion was made and duly seconded and by the affirmative roll call vote of all, it was

VOTED: That the Select Board enter Executive Session for purpose of discussing the purchase, exchange, lease or other acquisition of real property at 333 Andover Street in accordance with Massachusetts General Law Chapter 30A, Section 21(a) 6 as an open meeting may have a detrimental effect on the negotiating position of the Town as determined by the Chair with the intention to return to open session.

Chair Judith L. O'Connell reconvened the meeting at 7:03 p.m. in Room 9 of the Town Hall. Present were Select Board Members Gregory B. Bendel, Kevin A. Caira, Gary B. DePalma and Lilia Maselli. Also present was Town Manager Jeffrey M. Hull.

Chair O'Connell asked those present to rise and she led the pledge of allegiance.

TREASURY WARRANTS

Chair O'Connell asked for a motion to accept the Treasury Warrants. A motion was made by Select Board Member DePalma, seconded by Select Board Member Maselli and by the affirmative vote of all, it was

VOTED: That the Select Board accept Treasury Warrants 202324, 202324WIRES, 24A, 202325, 202325WIRES, 25A, 202326, 202326WIRES, 26A, 202327, 202327WIRES & 27A.

MINUTES

Select Board Member Caira noted a typographical error in the December 12, 2022 meeting minutes. He stated the error was on page 2, paragraph 2 and noted the letters in his last name were transposed. A motion was made by Select Board Member DePalma, seconded by Select Board Member Maselli and by the affirmative vote of all, it was

VOTED: That the Select Board approve the minutes of their meetings held October 11, 2022, November 28, 2022 and December 12, 2022, as corrected and that all actions taken are hereby ratified and confirmed.

ERICA MARCHAND, CODE 1 BBQ LLC, RE: REQUEST TO OBTAIN A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 211 MAIN STREET

Chair O'Connell welcomed Ms. Marchand to the Select Board meeting and stated she is thrilled to welcome a new business and noted Ms. Marchand is also a resident of Wilmington. Chair O'Connell noted that the Board is in receipt of the application package.

Town Manager Hull reviewed recommendations from the Health Director and the Inspector of Buildings, both provided favorable recommendations.

Chair O'Connell stated that she was able to attend the grand opening and ribbon cutting ceremony on behalf of the Select Board and as a member of the Chamber of Commerce. She stated that the Executive Director of the Chamber of Commerce had asked questions about the restaurant and hours and she wanted to give Ms. Marchand an opportunity to provide the same information this evening because it is a different type of establishment.

Ms. Marchand stated that, as a barbecue company, everything is slow smoked. The brisket and pulled pork take anywhere from 12 to 14 hours and therefore they open and remain open until they sell out. She advised that they are selling out quickly and may adjust hours by opening later to cater to the dinner crowd. Ms. Marchand advised that they are waiting delivery of a larger smoker. Once they receive the smoker she anticipates they will be able to stay open from 11:30 a.m. to 6 or 7 p.m.

Chair O'Connell described the location of Code 1 BBQ and asked where the best place would be for residents to obtain information on their hours. Ms. Marchand advised that residents should follow Code1 on Facebook, the voicemail message will be updated regularly and their website code1bbq.com. She advised that they are currently looking for additional help.

Chair O'Connell asked if there were any questions or comments from the Board. Members welcomed Ms. Marchand and expressed a desire to try it. Select Board Member Cairra asked if they will offer catering and was advised they have been offering catering since September 2021.

A motion was made by Select Board Member DePalma, seconded by Select Board Member Bendel and by the affirmative vote of all, it was

VOTED: That the Select Board issue a Common Victualer License to Code 1 BBQ for property located at 211 Main Street.

BRETT SAWIN, RECREATION DIRECTOR, RE: UPDATE ON RECREATION DEPARTMENT PROGRAMS AND SERVICES

Mr. Sawin stated that the Recreation Department had a great fall season and noted that a lot of the programs were well attended and many were at capacity. He reviewed the different programs including Kinder Basketball, Middle School Running Program and Archery. He highlighted different trips that took place including an overnight trip to the finger lakes where the only complaint was the weather, in October they had their first day trip to New York City since the start of the pandemic and day trips for lunch and a show. Mr. Sawin noted that they had 645 children attend the Horribles Parade.

Mr. Sawin reviewed winter programs that are underway including the basketball program for different age groups. He advised that the day trips are doing well but registration for overnight trips is low and his department is working to get the word out.

Mr. Sawin updated the Board on efforts to obtain lifeguards for the 2023 beach season. He stated that they began advertising earlier and have received two applications. He advised that he has reached out to Shawsheen Tech to use their pool for certification class. The Town will cover the cost to become certified to candidates who will work for the Town.

Chair O'Connell thanked Mr. Sawin and stated she is excited about the programs. She noted that not every community has a Recreation Department and not one that runs so well.

Chair O'Connell asked if there were questions or comments from members of the Board. Members thanked Mr. Sawin for the update. Select Board Member Cairra noted that he had been a volunteer basketball coach and had started an open gym night for students in grades 9-12. Mr. Sawin noted that they offer a program for kids over 18 and 35+ and noted that Select Board Member Cairra made a good point about that age group. He noted that they no longer offer as part of the recreation program because they were not getting enough participants to make teams but will consider an open gym night where they show up and make their own teams.

Chair O'Connell asked Mr. Sawin to provide an update on the Pickleball program. Mr. Sawin stated that there were outdoor sessions until November. He advised that there was one indoor session before the holiday and the next session begins this evening. He stated that Pickleball is the most popular program and registration fills up quickly. He stated that they are looking to go back outside in March.

Chair O'Connell stated she finds it interesting that Pickleball is trending all age groups. Mr. Sawin said that he learned the sport in high school but had not seen it again until he interviewed with Mrs. Campbell. Chair O'Connell stated that she walks around the area and had a conversation with a group that were playing, and they were not from Wilmington.

Select Board Member Bendel stated that he had received emails regarding the closing of the courts and asked Mr. Sawin to speak to that. Mr. Sawin advised that he spoke with DPW Director Jamie Magaldi and Town Manager Hull when the weather was getting cold about when to close the courts. He stated that consideration had to be given to participant safety as well as protecting the equipment. The Pickleball nets were the last to be taken down.

Select Board Member Bendel stated that he had received feedback from a nonresident about screens due to the sun. Mr. Sawin clarified that the problem was that they would lose the ball in contrast with the playground. He stated that the group held a fundraiser and installed screens with the approval of the Recreation Commission and Department of Public Works.

Mr. Bendel advised that they are working on rules, because of how busy the courts are, and are almost ready to be brought to the Recreation Commission for their approval.

COMMUNICATIONS

Town Manager Hull reviewed his memorandum to Select Board members O'Connell, Bendel, DePalma and Maselli, which advised that he, DPW Director Jamie Magaldi and DPW Deputy Director Joseph Lobao met with representatives of Wilmington Woburn Industrial (WWI) (formerly Wilmington Woburn Intermodel) to receive an update on their activities related to the Olin Chemical Superfund Site on 51 Eames Street. WWI expects to take ownership of the property in 2023 advising that they have a purchase and sale agreement with Olin and are awaiting the conclusion of discussions between Olin and the other responsible parties and the Environmental Protection Agency (EPA) over the consent agreement. Once the parties reach a consent agreement, EPA will publish the consent agreement and offer a public comment period which is believed to be a 30-day period. An additional period of time will be required for EPA to review public comments and decide whether to pursue modifications to any of the terms of the agreement with Olin and the other responsible parties. Upon the conclusion of this process, and once WWI has a full understanding of the consent agreement, they plan to close on the property.

WWI's plan for site redevelopment calls for a two phased approach. Phase one will be the construction of a 195,000 square foot warehouse close to the Eames Street side of the parcel. The second phase would be the construction of an additional 135,000 square feet of warehouse space. The second phase of construction would be located over the containment area. Based upon discussions with EPA, WWI understands that this second phase of construction cannot occur until EPA is satisfied that necessary testing has been completed to determine the effectiveness of the slurry wall and extraction of contaminants can occur. The warehouse development is not predicated upon access to the rail, but it is WWI's belief that access to rail will assist with reducing the impact of truck traffic on local roads. The proponent is willing to explore restricting the types of commodities that are permitted to be shipped via rail. The message was conveyed to the

developer that there have been longstanding concerns over the potential for hazardous materials to be unloaded or offloaded at the site along the hours of operation. In light of the fact that the Surface Transportation Board has significant authority over use of the rail system, there are questions about whether any local restrictions on rail use would prevail.

In an effort to address truck traffic concerns, WWI has purchased the property at 779 Woburn Street which is a pie shaped parcel at the intersection of Woburn Street and Eames Street. Utilizing this property as part of an effort to reconfigure that intersection is expected to improve ease of access for trucks leaving Eames Street for Woburn Street and Presidential Way or vice versa.

Town Manager Hull reviewed his memorandum which advised the Board that he and Glenn Brand, School Superintendent, were emailed by Stacie Murphy suggesting that the Town investigate the use of the Trahan School in Tewksbury to host the Wildwood School students and staff. She apparently contacted Representative David Robertson and on December 22, 2022 he spoke with Tewksbury Town Manager Richard Montuori and his facilities manager about the elementary school. Mr. Montuori stated that the Town of Tewksbury would be willing to assist the Town of Wilmington by making the school available subject to the consideration and approval from the Tewksbury School Committee and the Tewksbury Select Board. The Trahan School was constructed in the 1950's and has some pressing issues that would need to be addressed. Once classes conclude for the holiday break students will not return as their new school on Pleasant Street will be ready for occupancy. The school is heated by two boilers, one of which is completely disabled and the second boiler was described as limping along and will require replacement, the roof was replaced in 1991/1992 and has "pop-up" leaks and a sewer line that runs under the gymnasium and two classrooms has apparently settled which causes frequent backup, requiring the sewer line to be cleared every two or three weeks. Any fix would require excavation of the floors, costs associated with repairs would need to be borne by the Town of Wilmington if the town occupies the building.

Town Manager Hull stated he has spoken with George Hooper, Public Buildings Department, and Dr. Brand about consideration of this option and suggested that arrangements be made for a walk through of the building to see the conditions first hand. Mr. Montuori's willingness to work with the Town is greatly appreciated but believes the option is a longshot. If the school is in a condition that has prompted the community to move students into a new school, it prompts the question as to whether the school would be conducive to students and staff from the Wildwood School. Spending significant money on repairs to a building that is not owned by the Town of Wilmington is also a concern.

Town Manager Hull reviewed his memorandum relative to the amendment to the Town Manager's Act. He noted that, at the April 30, 2022 Annual Town Meeting, residents approved a measure to amend the Town Manager's Act to change the reference from Board of Selectmen to Select Board. Due to the fact that the Town Manager's Act is being modified, the change requires the approval of the state legislature. Special legislation has been filed in the Senate. Senator Tarr's Office has been working with Senator Finegold's Office to move the bill along. Once it is in the House, they will work with Representative Robertson to push the legislation through the House. Town Manager Hull noted that S 3166 was signed by Governor Charles D. Baker on January 5, 2023 as Chapter 447 of the Acts of 2022.

Town Manager Hull reviewed his memorandum which addressed questions posed by a member of the public at the Board's December 12, 2022 meeting. The first was whether the Town/School Administration building would be connected to the municipal sewer system or would a septic system be required. George Hooper, Public Buildings Superintendent, confirmed that the building will be connected to municipal sewer. The second question was whether the Town continues to sample monitoring wells in the area to the east of the Frank Kelly Track. Jamie Magaldi, Public Works Director, confirmed that, due to the effectiveness of the work the Town performed to comply with the DEP Superseding Order which addressed groundwater east of the football field and the baseball field, the Superseding Order has been closed. Since that sampling has consistently met drinking water quality standards, DEP has reduced the required sampling to once per year for the life of the turf field. The purpose of the sampling is to confirm that materials have not had an adverse impact on water quality. An irrigation well near the baseball field scoreboard and outside the field of play is used to draw water samples.

Town Manager Hull reviewed his memorandum noting that Valerie Gingrich, Planning and Conservation Director, advised him that the MBTA has submitted a Notice of Intent with the Conservation Commission to seek construction of a platform along their Haverhill line. The drawings currently indicate the platform will be north of the "L" shaped building on Jefferson Road. The Conservation Commission is scheduled to receive the application for consideration at the January 4, 2023 meeting. The application may be continued to their February meeting.

Town Manager Hull reviewed communication from William Doyle, PE, LEED AP, President, C1.0 Engineering & Development, advising that on behalf of the applicant and property owner, MBTA and Keolis Commuter Rail Services, C1.0 Engineering is filing the Notice of Intent Application with the Wilmington Conservation Commission to remove the existing train station platform infrastructure, structures and impervious and gravel areas associated with the station and construct a raised 200 foot train platform. The new raised platform will be accessed via an 8 foot wide bituminous walkway blanked by fencing and serviced by benches, lighting and drainage infrastructure. Portions of the proposed project are located within the 200 foot Riverfront area and within the 100 foot buffer zone to bordering vegetated wetlands.

Town Manager Hull reviewed his memorandum providing an update on the Town Hall / School Administration Building. The Committee met on January 4th with Dan Pallotta, Owners Project Manager, and Phil O'Brien of Johnson Roberts. Mr. O'Brien provided a presentation detailing the interior spaces. That presentation was attached to the memorandum. Mr. O'Brien noted that the project is transitioning from schematic design to final design. Once engineers are brought in, the office layout will take final form. He will be meeting with staff from the Town Hall and School Administration to review office space to receive final comments.

Town Manager Hull reviewed his memorandum advising the Board that Lowell Five Bank has contacted the Town offering to make a \$5,000 donation to address expenses associated with public safety. He advised he consulted with Chief Desmond and Chief Cavanaugh and the determination has been made to utilize the funds to support an active shooter drill. The Town greatly appreciates Lowell Five's ongoing commitment to supporting public safety services.

Town Manager Hull reviewed a memorandum from Susan Inman, Assistant Town Manager/Human Resources Director, advising that WCTV has made a request that the Board, as issuing authority, request Verizon provide an HD Channel as allowed under Section 5.1.2 of the cable television license granted to Verizon on December 12, 2022. There will be no cost to the

Town for the addition channel and WCTV's capital plan addresses any cost of equipment needed to broadcast HD content. This additional channel would only be available to Verizon subscribers. Any additional Comcast channel would have to be negotiated at the expiration of the current contract which is not due to expire until 2028.

Town Manager Hull reviewed a memorandum from Jamie Magaldi, DPW Director, and others, which provided an update regarding the expenditure of American Rescue Plan Act (ARPA) funds. The Board was provided with a proposal on the planned use of ARPA funds in correspondence dated November 5, 2021. That correspondence stated that ARPA funding awarded to the Town in the amount of \$7,007,864 must be obligated by or before December 31, 2024 and expended by December 31, 2026. Information was provided regarding the current planned allocation of funding followed by updates for each project.

Town Manager Hull reviewed a letter to Bradford L. Jackson, Ed.D., from Elizabeth Lawrenson, Town Clerk, regarding his appointment to the Finance Committee.

Town Manager Hull reviewed a letter from Joseph A. Langone, President, Northeastern Development Corp., to Valerie Gingrich, Director of Planning & Conservation, requesting the Planning Board initiate proceedings for street acceptance of Green Meadow Drive for the next scheduled Town Meeting.

Town Manager Hull reviewed correspondence from Niall Connors, Franchise Service Manager, Verizon, advising that Yahoo, Inc. will discontinue its Yahoo! Finance HD programming on Fios TV channel 604.

Town Manager Hull reviewed a letter from Daniel J. Veerman, member, Board of Appeals, notifying the Board of his interest relative to an application for a Special Permit by the 4th of July Committee.

BOARD TO CONSIDER REQUEST OF BOARD OF APPEALS RE: DISCLOSURE IN ACCORDANCE WITH CHAPTER 268A, SECTION 20 (B) RELATIVE TO AN APPLICATION FOR A SPECIAL PERMIT BY 4TH OF JULY COMMITTEE

A motion was made by Select Board Member DePalma, seconded by Select Board Member Caira and by the affirmative vote of all, it was

VOTED: That the Select Board determine that Daniel Veerman's ownership of property near the carnival site is not so substantial as to likely affect him from impartially acting on the Special Permit application submitted by the Fourth of July Committee.

BOARD TO CONSIDER RATIFYING THE TOWN MANAGER'S APPOINTMENT OF KARIN BLOOM AS A MEMBER OF THE HISTORICAL COMMISSION

A motion was made by Select Board Member Bendel, seconded by Select Board Member DePalma and by the affirmative vote of all, it was

VOTED: That the Select Board ratify the appointment of Karin Bloom as a member of the Historical Commission to expire April 30, 2024.

BOARD TO CONSIDER EXECUTING THE AGREEMENT BETWEEN THE TOWN OF WILMINGTON AND THE WILMINGTON POLICE SUPERVISORS

Town Manager Hull advised that this is a one year contract and the only change, other than to the dates, is for a cost of living adjustment of 3%. A motion was made by Select Board Member Maselli, seconded by Select Board Member DePalma and by the affirmative vote of all, it was

VOTED: That the Select Board execute the agreement between the Town of Wilmington and the Wilmington Police Supervisors.

BOARD TO CONSIDER ISSUING REQUEST TO VERIZON FOR HD CHANNEL FOR WILMINGTON COMMUNITY ACCESS TELEVISION

A motion was made by Select Board Member DePalma, seconded by Select Board Member Maselli and by the affirmative vote of all, it was

VOTED: That the Select Board issue a request to Verizon New England, Inc. to provide HD Channel to Wilmington Community Access Television.

PUBLIC COMMENTS

Michael McCoy, Treasure Hill Road, stated that approximately three years ago he had a conversation with Charlie Benevento relative to approximately 20 acres of Town owned land that is landlocked. Knowing that the Town wants to build a substation in that area Mr. Benevento wanted to swap 2-3 acres of land on the corner of Andover Street and Route 125 near the DPW. Mr. Benevento reported that he had reached out to Town Manager Hull and had not received a response. Mr. McCoy stated he asked Town Manager Hull to reach out to Mr. Benevento and questioned whether Town Manager Hull ever spoke to Mr. Benevento. Town Manager Hull confirmed that he did have two conversations with Mr. Benevento before the pandemic. Mr. McCoy expressed his opinion that the Board should have gone forward with the construction of a fire substation in North Wilmington and not a Town Hall. He stated that the Town has been talking about it for years and believes the Town could have reached a deal with Benevento three years ago and could have moved forward with a public safety substation.

Chair O'Connell stated that his comments have been noted and agreed that the substation has been spoken about for a long time and it should be accomplished soon and the Board is making it a priority.

Mr. McCoy stated that if he was a member of the Board, it would get under his skin knowing that public safety was put on the back burner to get a Town Hall ahead of everything else.

Town Manager Hull stated that public safety is not on the back burner as a tremendous amount of resources go into public safety each year including the purchase of equipment, the addition of eight fire fighters and \$450,000 for safety signals to be installed in front of the main station.

Mr. McCoy stated that he served on the Board for 30 years and opined that the Town could have had a deal with Mr. Benevento three years ago. Following his comments, Mr. McCoy left the meeting.

ANNOUNCEMENTS

Select Board Member Caira expressed his disappointment that Mr. McCoy left as he would have liked to ask him what he did during his time on the Board to get a substation. He acknowledged the work of Select Board Member Bendel in working to find an appropriate location for the siting of a substation.

Select Board Member Bendel thanked Select Board Member Caira for his comments and opined the construction of a substation in North Wilmington is a priority of each member.

Chair O'Connell stated that it was not long ago that the Fire Department had a major staffing issue and would not have been able to staff a substation.

Chair O'Connell stated that the proposed Sr. Center building project and the proposed Town Hall / School Administration building project were presented as warrant articles to residents and the residents voted to move forward with the projects.

Select Board Member DePalma stated that there has been an increase in communication regarding a fire substation. He stated that each member has supported pursuing a substation in north Wilmington.

Select Board Member Maselli stated that she had the same thoughts as Select Board Member Caira.

Mr. McCoy returned to the meeting during Board members comments and asked for the opportunity to respond. Mr. McCoy listed projects that he was a part of during his tenure on the Board. Members acknowledged his comments and stated that their comments were relative to a substation in North Wilmington. Select Board Member Caira asked Mr. McCoy why he didn't pursue a substation 29 years ago and he responded that "we didn't need it 29 years ago".

Chair O'Connell ended the dialog noting that points have been made. She stated that if the Town had property that was appropriate to locate a substation, the Select Board would have put that project forward.

Kevin MacDonald, Andover Street, rose to speak and was advised by Chair O'Connell that the Public Comments section of the agenda had concluded.

NEW BUSINESS

There was none.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

Through

- January 13 – Curbside Collection of Christmas Trees
- January 11 – Senior Center Building Committee – Town Hall – Room 9 – 6:00 p.m.
- January 16 – Martin Luther King Day – *Town Offices Closed*
- January 17 – Town Hall / School Administration Building Committee – Town Hall Auditorium – 6:00 p.m.
- January 23 – Select Board – Town Hall – Room 9 – 7:00 p.m.
- January 30 – Select Board – Town Hall – Room 9 – 7:00 p.m.
Town Manager's FY 24 Budget Presentation

SALUTE TO SERVICE

Select Board Member Bendel recognized the service of John J. “Jackie” Fullerton, Jr. Mr. Fullerton served in the United States Army as a Private First Class and was killed in action 55 years ago on January 31, 1968.

There being no further business to come before the Board, a motion was made by Select Board Member DePalma, seconded by Select Board Member Bendel and by the affirmative vote of all, it was

VOTED: That the Select Board adjourn.

Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Recording Secretary